



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 7, 2017

Charles Pfister
945 Taraval St. #108
San Francisco, CA 94116

Re: Freedom of Information Act Request No. EPA-HQ-2017-008639

Dear Mr. Pfister:

Thank you for your Freedom of Information Act (FOIA) request. This letter provides additional information to supplement correspondence sent to you via FOIA Online on August 28, 2017, regarding FOIA Request No. EPA-HQ-2017-008639.

As noted in the referenced correspondence, EPA maintains an internal database to monitor and share enforcement information. The system, the Integrated Compliance Information System (ICIS), contains some information related to the enforcement action referenced in your FOIA request, *In the Matter of DeLonghi America, Inc.* Attached to this letter please find a report summarizing the conclusion of the action and a set of comments contained in ICIS about the case file. Both attachments supplement the consent agreement and final order also provided to you.

Should you have any further questions regarding your FOIA request, you may contact me at mears.gilbert@epa.gov or (202) 566-0954. Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration - OGIS, 8601 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

Sincerely,

Gilbert Mears
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency



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WASHINGTON, D.C. 20460

September 7, 2017

Walter A. Haynes
Albert G. Stoll, Jr., Law Corporation
55 Francisco St., Suite 403
San Francisco, CA 94133

Re: Freedom of Information Act Request No. EPA-HQ-2017-010407

Dear Mr. Haynes:

Thank you for your Freedom of Information Act (FOIA) request. This letter provides additional information to supplement correspondence sent to you via FOIA Online on August 28, 2017, regarding FOIA Request No. EPA-HQ-2017-010407.

As noted in the referenced correspondence, EPA maintains an internal database to monitor and share enforcement information. The system, the Integrated Compliance Information System (ICIS), contains some information related to the enforcement action referenced in your FOIA request, *In the Matter of Delonghi America, Inc.* Attached to this letter please find a report summarizing the conclusion of the action and a set of comments contained in ICIS about the case file. Both attachments supplement the consent agreement and final order also provided to you.

Should you have any further questions regarding your FOIA request, you may contact me at mears.gilbert@epa.gov or (202) 566-0954. Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration - OGIS, 8601 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

Sincerely,

Gilbert Mears
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency

Attachment 1: Enforcement Action Conclusion Report, Delonghi America, Inc. (HQ-1987-0001)

EA ID: HQ-1987-0001

Primary Law: Toxic Substa

Fiscal Year(s): 1988

Region(s): HQ

Environmental Protection Agency Integrated Compliance Information System Enforcement Action Conclusion Report

Created Date: 8/31/2005

Refresh Date: 9/6/17

Created By: HQ

Version 1.0.1

Enforcement Action Information

Enforcement Action Name	Enforcement Action Identifier	Lead Attorney	Technical Contact	Complaint/ Proposed Order Date	Final Order Issued Date	Law Section:	Court Docket Number
DELONGHI AMERICA, INC.	HQ-1987-0001	B PITTMAN		11/17/1986	6/1/1988	TSCA 6-PCBS	TSCA-87-H-04

Enforcement Action Conclusion Information

Multi-Media Action:		EJ Concerns:		Final Order Priorities:		
Settlement Type	Number	Settlement Name	ADR Used?	Complaint/ Proposed Order Date	Final Order Issued Date	
Administrative Penalty Order With or Without Injunctive Relief	1	DELONGHI AMERICA, INC.	No		6/1/1988	

Facility Information

Facility/Program ID	Facility Name	Address	City	State	Zip	SIC Code/Description
ICIS 46263	EXTRA FACILITY FROM DOCKET FACILITY					

Penalty/Cost Recovery Information

Cash Civil Penalty Amount Sought	Cost Recovery Amount Sought	Statute	Cash Civil Penalty Amount Required	Cost Recovery Amount Required
\$1,507,000		TSCA	\$500,000	\$0
		Total:	\$500,000	\$0

Supplemental Environmental Project Information

SEP Description	EJ Addressed?	Total SEP Cost	SEP Category	Cost
		\$0		\$0

Compliance Action Information

Cost of Complying Information				Pollutant Information						
CA/IR Priority FY	CA/IR Priority	CA/IR Priority Cost	CA/IR Priority Type	Settlement Pollutant CA/SEP Type	Settlement Pollutant Name	Settlement Pollutant Unit	Settlement Pollutant Destination Media	Settlement Pollutant Avg Annual Amt	Settlement Pollutant Priority	Settlement Env Benefit Metric

Attachment 2: "Sensitive Comments," Delonghi America, Inc. (HQ-1987-0001)

The text below represents the full contents found in a field labeled "Sensitive Comments" in the ICIS entry for HQ-1987-0001. The text appears verbatim as follow:

01-29-87: AN INITIAL SETTLEMENT CONFERENCE HAS BEEN HELD. CAROL CLAYTON, DELONGHI'S ATTORNEY, HAS PROMISED TO SUBMIT A SETTLEMENT PROPOSAL BY FRIDAY, 6 FEB. REGION X HAS SENT AMEMO TO OCM'S JACK NEYLAN, CHALLENGING THE VALIDITY OF THE OTS RISK ASSESSMENT. NEYLAN HAS REFERRED THIS MEMO TO OTS'SMARTY HALPER FOR RESPONSE.

02-25-87: DELONGHI'S SETTLEMENT PROPOSAL IS UNDER REVIEW IN OCM. THE OFFER, CITING DELONGHI'S INABILITY TO PAY THE ASSESSED PENALTY, CALLS FOR PAYMENT OF A \$50,000 PENALTY, PLUS CERTAIN ITEMS OF PERFORMANCE.

04-01-87: NO UPDATE RECEIVED.

05-01-87: NO UPDATE RECEIVED.

06-01-87: DELONGHI HAS SUBMITTED A SETTLEMENT PROPOSAL TO EPA CONSISTING OF PAYMENT OF \$200,000 PENALTY IN 4 ANNUAL INSTALLMENTS, NOTIFICATION OF THE 70,000 CONSUMERS WHO MAILED IN WARRANTY CARDS, AND ESTABLISHMENT OF A \$400,000 TRUST FUND TO COVER CONSUMER RETURNS. FRED STIEHL & BOB PITTMAN HAVE DISCUSSED THE PROPOSAL AND ARE ATTEMPTING TO SET UP A MEETING WITH OCM-OTS TO DEVELOP A FORMAL RESPONSE. DELONGHI'S ANSWER IS DUE ON 21 JUNE.

06-23-87: A SETTLEMENT IN PRINCIPLE HAS BEEN REACHED THIS WEEK. DELONGHI WILL AMONG OTHER THINGS, PAY A \$500,000 PENALTY, ESTABLISH A \$200,000 TRUST FUND FOR CONSUMER NOTIFICATION, AND NOTIFY SOME 70,000 HEATER OWNERS WHO RETURNED WARRANTY CARDS.

07/22/87: A DRAFT CONSENT DECREE AGREEMENT HAS BEEN PREPARED AND IS BEING CIRCULATED INTERNALLY FOR REVIEW BEFORE BEING SENT TO THE COMPANY.

08-31/87: NO UPDATE.

09-28-87: A 2ND DRAFT CONSENT AGREEMENT IS OUT FOR REVIEW BY DELONGHI. THIS AGREEMENT IS EXPECTED TO BE FINALIZED & SIGNED BY THE PARTIES SHORTLY.

01/05/88: FOLLOWING A BRIEFING FOR DEPUTY AA JOHN CANNON, THE CONSENT AGREEMENT WAS FILED WITH THE CHIEF JUDICIAL OFFICER ON 12/21/87.

08/02/88: THE CONSENT ORDER WAS EXECUTED BY THE JUDICIAL OFFICER ON 6/1/88.